

REMARKS

Claims 1 and 12 have been amended. Claims 2, 5, 13, 14, and 18 have been canceled. Thus, Claims 1, 3-4, 6-9, 12, and 15-17 are pending in the present application.

Drawings

The Examiner objected to the drawings because they are either informal or contain misspellings. Applicant submits a new set of formal drawings to overcome this objection.

Claim objections:

The Examiner stated that certain deficiencies with respect to claims 1 and 12 are present and presented proposals for claim amendments. Applicant thanks the Examiner for the proposals made and submits amendments according to this proposal.

Claim rejection under 35 USC §103:

Claims 1-3, and 5-9, and 12-18 have been rejected under 35 U.S.C. 103(a), as being unpatentable over Sakurai (US 6,334,076) in view of Nakai et al (US patent publication US 2001/0056306).

The Examiner stated that Sakurai discloses all the limitations of the present independent claim 1 and 12 except that Sakurai does not disclose that the functions are object oriented and comprise standardized software interfaces. The Examiner further stated that Nakai discloses these limitations and that it would have been obvious to combine Sakurai and Nakai. Applicant respectfully disagrees. However, Applicant added further limitations to independent claims 1 and 12 which were previously included in dependent claims 2 and 5, and 13, 14, and 18, respectively to more clearly distinguish the present application from the prior art. The term "linking" has been changed to the term "joining" to be consistent with paragraph [0020] of the specification.

Therefore, the independent claims include limitations that are neither disclosed nor suggested by the prior art. According to the invention, object-oriented functions with a

standardized software interface are provided either from a standard library or customer-specific from a user. Nakai is completely silent with regards of the use of object oriented software functions. The only time, Nakai mentions the word "object-oriented" is in paragraph [0045] with respect to the system. Thus, Nakai does neither propose or suggest to use object oriented software which is a specific type of software. Nakai merely refers to an "object-oriented system" because of the use of graphical icons but never refers to it as object oriented software. In support of this conclusion is the additional fact that Nakai designated peripheral devices as objects. See in particular paragraph [0006] of Nakai.

Secondly, Nakai does not disclose anywhere that software functions with a standardized software interface are created. By means of this limitation according to the invention, a user can select any software function and combine them to create the driver without the need of complicated linking mechanism.

Applicant studied the disclosure of Nakai and in particular the cited pages 2 and 3 of Nakai thoroughly. However, Applicant was not able to identify any of the above mentioned limitations. Therefore, Applicant believes that the independent claims are patentable over Sakurai in view of Nakai.

The dependent claims 3-4, 6-9, and 15-17 include all the limitations of independent claims 1 or 12 and are, therefore, patentable at least to the extent of independent claims 1 or 12. However, as mentioned in the previous response, these claims include further limitations which are neither shown nor suggested by the prior art. For example, claim 4 provides for special jump-in points to include user generated sub-routines into existing object oriented functions.

Therefore, Applicant respectfully requests allowance of the present set of claims.

CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

BEST AVAILABLE COPY

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 71308.0198.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

Date: May 10, 2004

By: 

Andreas H. Grubert

(Limited recognition 37 C.F.R. §10.9)

One Shell Plaza

910 Louisiana Street

Houston, Texas 77002-4995

Telephone: 713.229.1964

Facsimile: 713.229.7764

AGENT FOR APPLICANTS

BEST AVAILABLE COPY